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not until the rise of the Court of Chancery that the absence of a law of evidence was supplied, and then inadequately. He considers that this and other defects of English law would have been remedied if, under the leadership of Becket, a further and larger reception of Roman law, canon and civil, had taken place. In particular there would have been no divorce between law and equity — “the Judicature Acts took a long step in the right way, but they should have been unnecessary. The step should have been taken in the reign of Henry Plantagenet. Thomas of Canterbury had the mind and the courage to take it, but an untimely issue of jurisdiction turned him away and slew him.”

But if there had been a further reception of Roman and canon law, if the jury system had gone down before it, the experience of continental nations makes it quite clear that the inquisitory system of the canon law would have been introduced into our system of criminal procedure. Mr. Bigelow doubts whether this would necessarily have been the case; but it is difficult to see how England could have escaped the inquisitory procedure which the other states of western Europe sooner or later adopted. Like those other states, England would have had no alternative. To have avoided that result is worth a great deal more than a slow or even a distorted development of a law of evidence. Moreover, if English law had become more Romanized, it is difficult to see how our independent common law could have grown up on native lines, and become the one great rival of the Roman system. If this had not happened, the jurisprudence of the world would have been infinitely the poorer, and not only the jurisprudence of the world. When, in the sixteenth century, the tide was setting strong for absolutism, it was the constitutional ideas which had been drilled into Englishmen by the common law, it was the English Parliament which alone among mediaeval representative assemblies had been made an efficient organ of government by the common lawyers, which saved for England and the world the mediaeval ideal of the rule of law, and preserved the pattern of a constitutional state. Could these results have been achieved if English law had been thoroughly Romanized in the twelfth century?

It is for these reasons that I think that, though Mr. Bigelow's theories have much to commend them, they are hardly advanced by historical arguments which are based upon readings of history, which are, to say the least, highly disputable; and by deductions drawn from them which are perhaps even more disputable. In the sphere of legal history these deductions seem to me to have been productive of serious error; for they have led Mr. Bigelow to condemn the results of certain developments in English legal history without a sufficient consideration of what seem to me to be decisive reasons for thinking that these developments have been productive of infinitely more good than harm. I think that if Mr. Bigelow had cared to glance at the Tudor period, he would have found that some aspects of the English polity during that period show a more serious and a more considered attempt to adjust impartially the claims of collectivism and individualism than has been shown at any period before or since. Lessons drawn from that or from some later period would have been more valuable, both because the facts are better ascertained and because the problems then confronting the state were necessarily more akin to the problems which confront us to-day.

W. S. HOLDSWORTH.

UNIFORM STATE LAWS IN THE UNITED STATES, Fully Annotated. By Charles Thaddeus Terry. New York: Baker, Voorhis & Co. 1920. pp. 688.

This unpretentious volume calls attention to the collected work of the Commissioners on Uniform State Laws. The laws hitherto recommended by them, twenty-three in number, are here reprinted and indexed, and annotated with the decisions of the courts up to the time of the issue of the book.

In the case of the Acts more recently promulgated, and those of narrow scope, the annotations are not extensive; but the annotations to the commercial laws by which the work of the Commissioners is best known, consisting of the citation of all decisions on the various sections, are extensive, since the editor's aim has been to make the book exhaustive in this particular. The labor involved in collecting these decisions, and the value of the work, are quite out of proportion to the bulk of the volume.

The Negotiable Instruments Law has been enacted in every state but Georgia and Texas; the Warehouse Receipts Act in nearly as many; the Sales Act in almost all the northern commercial states, and in several others. The Stock Transfer Act, the Bills of Lading Act, the Partnership Act, have also been adopted in many states, and the number is steadily increasing.

No lawyer in practice where these statutes are in force can afford to be without this volume. The author's name is a guaranty of the care and ability with which the work has been done. No one has done more than he for the cause of Uniform State Laws. He has been a Commissioner during the period when all but three of the statutes which he prints were promulgated. For three years he was President of the National Conference of Commissioners; and his energy, sound judgment and learning have at all times been at the service of the work.

The statutes are carefully indexed, and are provided with tables showing the statutory citation of each section of each statute in every state where the Act has been enacted.

It is to be hoped that this book will be not simply a convenient tool for the practitioner, but will also fulfil the object which its editor had in mind of promoting the cause of Uniform State Laws. This is desirable not only for more obvious reasons, but to diminish the tendency and apparent necessity of extending or amending the United States Constitution to cover all questions where a uniform rule throughout the country is desirable.

It goes without saying that merely enacting uniform statutes will not secure uniform law, unless there is uniform construction of the statutes. Each of the Uniform Acts, except a few of the earlier ones, has contained the provision that the Act shall be so construed as to effectuate its purpose of making uniform the law upon the subject in the several states which enact the statute. This provision is designed to substitute for the ordinary canon of construction that a statute will be construed with reference to the previous common law of the state, a wider principle which will give to decisions of one state upon a question involving a uniform state law the strongest persuasive authority in the courts of another state when the question there arises. This principle of construction has been approved by the Supreme Court of the United States in *Commercial Nat. Bank v. Canal-Louisiana Bank*, 239 U. S. 520.

We have nothing but commendation for the plan of the book and for the way that the plan has been carried out.

S. W.

WATER RESOURCES, PRESENT AND FUTURE USES. By Frederick Haynes Newell, D. Eng., Professor of Civil Engineering and Head of the Department, University of Illinois. (A revision of the addresses delivered in the Chester S. Lyman Lecture Series, before the Senior Class of the Sheffield Scientific School, Yale University.) New Haven: Yale University Press. 1920. pp. 310 (including preliminary matter, photographs and index).

The author is one of the nation's eminent civil engineers. His service as former Director of the United States Reclamation Service is well known. The book is a carefully analyzed presentation of stream flow, reservoir structure,